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| 10/531,266 | 04/13/2005 | Gabi Raziel | 1436-US | 4662 |
| 24505 | 7590 | 09/29/2006 | EXAMINER | |
| DANIEL J SWIRSKY 55 REUVEN ST. BEIT SHEMESH, 99544 ISRAEL | | | KERSHTEYN, IGOR | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3745 | |

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/531,266

Applicant(s)

RAZIEL, GABI

Examiner

Igor Kershteyn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 22-27 and 29-31 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it contains legal phraseology. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

In page 6:

In line 6-7, "(4)" and "(5)" should be deleted,

In line 10, "9B" should be --B9--.

Appropriate correction is required.

Claim Objections

Claim 8 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 8, which depends on claim 7, requires "only one elongated wall" while claim 7 requires "at least two elongated walls" thus claim 8 has a broader range than claim 7.

Claims 1, 4, 5, 7, 9-11, 14, 18, and 30 are objected to because of the following informalities:

In claim 1, both occasions in line 3, and in line 5, "V shape" should be --v-shape-- Claim 1 recites the limitation "the close rim" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the open side" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the electric power" in line 1. There is insufficient antecedent basis for this limitation in the claim.

In claim 5, line 2, "use" should be --used--.

Claim 7 recites the limitation "the outer surface" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the close rim" in line 5. There is insufficient antecedent basis for this limitation in the claim.

In claim 7, lines 3 and 5, "V shape" should be --v-shape--.

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In claim 9:

In line 2, --portion—should be inserted after “proximal”,

In line 2, “v shape” should be –v-shape--.

Claim 10 recites the limitation "said barrier" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the barrier" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

In claim 14:

In line 1, “in” should be changed to –is--,

In line 3, “are” should be deleted.

In claim 18, line 1, “X shape” should be –x-shape--.

In claim 30, line 4, “a” should be –an--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to

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which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 10, in lines 1-2, recites "said proximal portion of the wall is having means to direct the wind" which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 11, in lines 1-2, recites "said distal portion of the wall is having means to project the wind" which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, in line 2, recites "a construction" which indefinite because it is unclear either it is a new limitation or the limitation recited in claim 1.

Claim 24, in line 2, recites "horizontal to the direction of wind flow" which is indefinite because the meaning of this limitation is unclear.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 15-18, 22-25, and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by French Patent Publication No. 2374533.

In figures 1-12, 2374533 teaches a method to convert the energy of terrestrial wind to electric or other usable energies, comprising interalia the following steps; a. constructing at least two elongated walls 2,6, wherein said walls form together a V shape, and said V shape has an open rim facing the direction from which the wind is usually blowing; and, b. affixing one or more wind turbines 5 in the vicinity of the close rim of said V shape; wherein said constructions 7 collecting the wind and tunneling it throughout the open side towards close rim to the turbines 5, so that the energy of the wind is converted to a usable energy as the turbines 5 are activated by the wind.

Claims 1-8, 15-18, 22-25, 27, and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Pendergast (1,503,061).

In figures 1-9, Pendergast teaches a method to convert the energy of terrestrial wind to electric or other usable energies, comprising interalia the following steps; a. constructing at least two elongated walls 15, wherein said walls form together a V shape, and said V shape has an open rim facing the direction from which the wind is

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usually blowing; and, b. affixing one or more wind turbines 16,20,21,22 in the vicinity of the close rim of said V shape; wherein said constructions collecting the wind and tunneling it throughout the open side towards close rim to the turbines, so that the energy of the wind is converted to a usable energy as the turbines are activated by the wind.

Claims 1-4, 6, 7, 9-30, 22-25, and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Kivilammi (5,518,362).

In figures 1 and 2, Kivilammi teaches a method to convert the energy of terrestrial wind to electric or other usable energies, comprising interalia the following steps; a. constructing at least two elongated walls 3,6, wherein said walls form together a V shape, and said V shape has an open rim facing the direction from which the wind is usually blowing; and, b. affixing one or more wind turbines 4 in the vicinity of the close rim of said V shape; wherein said constructions collecting the wind and tunneling it throughout the open side towards close rim to the turbines 4, so that the energy of the wind is converted to a usable energy as the turbines 4 are activated by the wind.

Claims 1-4, 6-11, 15-18, 25, 27, and 29-31 are rejected under 35 U.S.C. 102(a) as being anticipated by Royer (6,041,596).

In figures 1-5, Royer teaches a method to convert the energy of terrestrial wind to electric or other usable energies, comprising interalia the following steps; a. constructing at least two elongated walls 135,145, wherein said walls form together a V shape, and

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said V shape has an open rim facing the direction from which the wind is usually blowing; and, b. affixing one or more wind turbines 610 in the vicinity of the close rim of said V shape; wherein said constructions collecting the wind and tunneling it throughout the open side towards close rim to the turbines 610, so that the energy of the wind is converted to a usable energy as the turbines 610 are activated by the wind.

Claims 1, 2, 6, 7, 9-11, 15-20, 22-27, and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams (969,587).

In figures 1 and 2, Williams teaches a method to convert the energy of terrestrial wind to electric or other usable energies, comprising interalia the following steps; a. constructing at least two elongated walls 26, wherein said walls form together a V shape, and said V shape has an open rim facing the direction from which the wind is usually blowing; and, b. affixing one or more wind turbines 34,35 in the vicinity of the close rim of said V shape; wherein said constructions collecting the wind and tunneling it throughout the open side towards close rim to the turbines 34,35, so that the energy of the wind is converted to a usable energy as the turbines are activated by the wind.

Allowable Subject Matter

Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of six patents.

Awalt (4,059,969) is cited to show a method to convert the energy of terrestrial wind to electric or other usable energies, comprising interalia the following steps; a. constructing at least two elongated walls, wherein said walls form together a V shape, and said V shape has an open rim facing the direction from which the wind is usually blowing; and, b. affixing one or more wind turbines in the vicinity of the close rim of said V shape; wherein said constructions collecting the wind and tunneling it throughout the open side towards close rim to the turbines, so that the energy of the wind is converted to a usable energy as the turbines are activated by the wind.

Fry et al. (4,165,468) is cited to show a wind turbine arrangement using natural landscape.

Hector et al. (5,009,569) is cited to show a method to convert the energy of terrestrial wind to electric or other usable energies, comprising interalia the following steps; a. constructing at least two elongated walls, wherein said walls form together a V shape, and said V shape has an open rim facing the direction from which the wind is usually blowing; and, b. affixing one or more wind turbines in the vicinity of the close rim of said V shape; wherein said constructions collecting the wind and tunneling it throughout the open side towards close rim to the turbines, so that the energy of the wind is converted to a usable energy as the turbines are activated by the wind.

Hickey (5,394,016) is cited to show a wind turbine arrangement using a building.

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Blumberg et al. (5,457,346) is cited to show a method to convert the energy of terrestrial wind to electric or other usable energies, comprising interalia the following steps; a. constructing at least two elongated walls, wherein said walls form together a V shape, and said V shape has an open rim facing the direction from which the wind is usually blowing; and, b. affixing one or more wind turbines in the vicinity of the close rim of said V shape; wherein said constructions collecting the wind and tunneling it throughout the open side towards close rim to the turbines, so that the energy of the wind is converted to a usable energy as the turbines are activated by the wind.

Douthit (6,239,507) is cited to show a method to convert the energy of terrestrial wind to electric or other usable energies, comprising interalia the following steps; a. constructing at least two elongated walls, wherein said walls form together a V shape, and said V shape has an open rim facing the direction from which the wind is usually blowing; and, b. affixing one or more wind turbines in the vicinity of the close rim of said V shape; wherein said constructions collecting the wind and tunneling it throughout the open side towards close rim to the turbines, so that the energy of the wind is converted to a usable energy as the turbines are activated by the wind.

Contact information

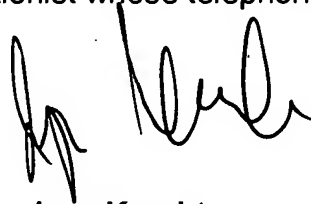
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK
September 20, 2006



IGOR KERSHTEYN
PRIMARY EXAMINER

Igor Kershteyn
Primary Patent examiner.
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